

21 C.J.S. Courts § 244

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Courts


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VII. Records

§ 244. Necessity and requisites of court records

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West's Key Number Digest

West's Key Number Digest, [Courts](#)  111, 113

Courts of record must keep records of proceedings that show the true state of the court's business.

The records of a court of record must be kept in a manner that represents the true state of the court's business.¹ The records should show all of the proceedings² or all those that are vital to the cause before the court.³ A requirement that all proceedings in a case be recorded applies to a hearing to determine the competency of a potential child witness⁴ and to conferences in chambers.⁵ On the other hand, proceedings not required to be enrolled need not be shown on the record unless required by court order.⁶

Courts of record should record all matters judicially considered and determined by the order or judgment.⁷ One essential feature of a court of record is that a permanent record of the proceedings of the court must be made.⁸ A magistrate court⁹ or municipal court¹⁰ that is not a court of record is not required to keep permanent records.

The rule that a court of record can act only through its orders made of record does not require, where the court has administrative and executive powers, with authority to appoint agents, that all the acts of the agents should appear of record.¹¹

It is generally required by statute that the records or minutes of a court be signed by the judge¹² or by the clerk.¹³ This requirement may be mandatory and essential to the validity of the record.¹⁴ Under other statutes, the requirement for signing is considered merely directory.¹⁵ The fact that the minutes were prepared by the clerk may be sufficient to make them the court's acts even if not signed by the judge.¹⁶

Footnotes

- 1 Ga.—*Smith v. Merchants' & Farmers' Bank*, 22 Ga. App. 505, 96 S.E. 342 (1918).
Ohio—*State ex rel. Worcester v. Donnellon*, 49 Ohio St. 3d 117, 551 N.E.2d 183 (1990).
- 2 Ala.—*McDonald v. Crawford*, 28 Ala. App. 163, 180 So. 130 (1938).
Pa.—*Com. v. Robinson*, 317 Pa. 321, 176 A. 908 (1935).
- 3 Pa.—*Com. v. Robinson*, 317 Pa. 321, 176 A. 908 (1935).
- 4 Ohio—*State v. Said*, 71 Ohio St. 3d 473, 1994-Ohio-402, 644 N.E.2d 337 (1994).
- 5 Utah—*Onyeabor v. Pro Roofing, Inc.*, 787 P.2d 525 (Utah Ct. App. 1990).
- 6 Mo.—*State ex rel. May Department Stores Co. v. Haid*, 327 Mo. 567, 38 S.W.2d 44 (1931).
- 7 Ga.—*Cotton v. Cotton*, 272 Ga. 276, 528 S.E.2d 255 (2000).
- 8 Kan.—*Matter of Marriage of Case*, 18 Kan. App. 2d 457, 856 P.2d 169 (1993).
District court
Utah—*Olson v. Park-Craig-Olson, Inc.*, 815 P.2d 1356 (Utah Ct. App. 1991).
- 9 Ga.—*Bowen v. Ball*, 215 Ga. App. 640, 451 S.E.2d 502 (1994).
- 10 Ga.—*City of Lawrenceville v. Davis*, 233 Ga. App. 1, 502 S.E.2d 794 (1998).
- 11 U.S.—*Bullitt County v. Washer*, 130 U.S. 142, 9 S. Ct. 499, 32 L. Ed. 885 (1889).
- 12 Conn.—*Banach v. Bohinski*, 107 Conn. 156, 139 A. 688 (1927).
Ohio—*Cleveland v. Jovanovic*, 153 Ohio App. 3d 37, 2003-Ohio-2875, 790 N.E.2d 824 (8th Dist. Cuyahoga County 2003).
R.I.—*Colagiovanni v. District Court of Sixth Judicial Dist.*, 47 R.I. 323, 133 A. 1 (1926).
- 13 Conn.—*Banach v. Bohinski*, 107 Conn. 156, 139 A. 688 (1927).
- 14 Ky.—*Equitable Trust Co. of Dover v. Bayes*, 190 Ky. 91, 226 S.W. 390 (1920).
- 15 Ark.—*American Inv. Co. v. Hill*, 173 Ark. 468, 292 S.W. 675 (1927).
Okla.—*Franks v. Franks*, 1932 OK 99, 155 Okla. 91, 7 P.2d 866 (1932).
R.I.—*Colagiovanni v. District Court of Sixth Judicial Dist.*, 47 R.I. 323, 133 A. 1 (1926).
- 16 La.—*Clark v. Clarendon Ins. Co.*, 841 So. 2d 1039 (La. Ct. App. 3d Cir. 2003).

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